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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,081	09/04/2001	Hideki Ohtsuki	213559US2	1177

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EXAMINER	
KOSTAK, VICTOR R	

ART UNIT	PAPER NUMBER
2614	

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/944,081	OHTSUKI, HIDEKI	
	Examiner	Art Unit	
	Victor R. Kostak	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 April 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28* is/are pending in the application.

4a) Of the above claim(s) *11-13,24-26 and 28* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5,7,8,14-18,20,21 and 27* is/are rejected.

7)☒ Claim(s) *6,9,10,19,22 and 23* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *04 September 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *09/04/01*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1. Applicant's election with traverse of invention I in the reply filed on 04/04/05 is acknowledged. The traversal is on the ground(s) that examination of both inventions would not create a serious burden.

This is not found persuasive because examining the second invention is equivalent to examining a second application, which is twice the work and more so when considering the fields of searches for both inventions. Applicant is informed that the search for the first invention goes well beyond that where it is classified initially in a single class/subclass, and in this case particularly wherein the breadth of the claims extends to other classes and subclasses. The same goes for the second invention so defined by its broad scope which also requires a search beyond that to which is classified, even into other classes as does the first. And after that, considerations for patentability of the second invention after the search would involve deliberations exclusive from that for the first invention, which for the latter would involve its own separate considerations.

The requirement is still deemed proper and is therefore made FINAL.

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. Note MPEP 606.01.

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. ***The form and legal phraseology often used in patent claims, such as*** "means" and ***"said," should be avoided***. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

4. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 7, 8, 14, 16, 20, 21 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Kita.

The work station 20 of Kita (noting Fig. 2) includes a controller 28 that stores instructions for carrying out by an internal computer prompted by a user at console 26. The processing involves converting image data supplied by network 10 for eventual display on unit 25, wherein a magnification stage 22 changes the size of input image from memory 21 in such a manner that the number of pixels in frame memory 23 correspond to the number of pixels in the display area 25 (noting Figs. 3 and 4: e.g. col. 2 lines 5-20), so governed by control unit 28 which decides if magnification should be applied (Fig. 4), thereby meeting claims 1, 14 and 27.

As for claims 3 and 16, filtering or interpolation is carried out on image data, depending on if expansion or reduction is desired (col. 5 lines 24-32), wherein data is added to interspatial

positions, or removed from interspatial positions yet still rendering a perceptible image on CRT 25.

As for claims 7 and 20, when the image size and pixel density (an thereby pixel total) of the frame memory 23 is the same as that of the display areas, magnification is not carried out (noting step 206 in Fig. 4).

Regarding claims 8 and 21, memory 21 corresponds to the claimed storage unit that stores pixels the same as the display area, and which pixel count can be altered by the magnification processor 22 for conversion and subsequent storage in frame memory 23.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 5 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kita.

It would have been obvious to one of ordinary skill in the art to apply any type of image to the size convertor (Kita applies medical images obtained by plural imagers, namely MRI and SPECT sources his system but states these as examples: col. 3 lines 13-19) for the purpose of accommodating the user with the availability to modify and observe images of any type, thereby covering as extensive a database as practical (Kita further allows for network communication: col. 3 lines 17-19). It would also have been obvious to give the user to the final decision of magnifying or not magnifying the imagery regardless of the source as so preferred by each individual user by way of the console, thereby not restricting the user to specific display choices.

7. Claims 2, 4, 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kita in view of Kaji et al.

One of ordinary skill in the art recognizes that typical graphic displays are characterized by pixel dimensions of 640 x 480 horizontal to vertical. It would have been obvious to one of ordinary skill in the art to have the CRT compatible with well known PAL or NTSC television standards for the purpose of enabling display on typically available televisions, as taught by Kaji in his image magnification conversion system (e.g. section [130]). Since the imagery of Kita can be from any typical sources and obtained from network databases (thereby allowing a more comprehensive amount of imagery), it would therefore have been obvious to apply the magnification of standard graphical imagery obtained from anywhere in a network database to comply with the CRT format, such as the well known PAL or NTSC modes, and thereby apply the appropriate conversion factors (which Kita designates by variables: e.g. Figs. 3 and 4), thereby meeting claims 2 and 15.

As for claims 4 and 17, the appropriate magnification factors would be applied when PAL or NTSC or any other mode is desired for eventual display, wherein certain lines would by necessity by deleted (or interspaced if the image is to be enlarged) in a manner that generates an adequate viewable reproduction.

8. Claims 6, 9, 10, 19, 22 and 23 appear allowable over the prior art.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor R. Kostak whose telephone number is (571) 272-7348. The examiner can normally be reached on Monday - Friday from 6:30am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or faxed to:

(703) 872-9306 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 308-HELP.

Victor R. Kostak
Primary Examiner
Art Unit 2614

VRK